

REMARKS

This amendment responds to the Office Action mailed on March 16, 2007. Filed concurrently herewith is a *Request for a Three-Month Extension of Time* which extends the shortened statutory period for response to expire on September 16, 2007. Accordingly, applicant respectfully submits that this response is being timely filed.

Claims 9-26 and 36-40 were pending in the present application. By the above amendment, claims 9, 12 and 22 have been amended. Accordingly, Claims 9-26 and 36-40 remain pending in the present application, and applicant believes these claims are in proper condition for allowance for the reasons set forth below.

In the pages that follow below, applicant will set forth in detail that:

- 1) the cited prior art fails to teach or suggest sending an electronic package including both content and a submission form from a submitter to a recipient for content checking; and
- 2) the cited prior art fails to teach or suggest the content checking features involving spot counts as claimed.

§ 103 Rejections Based on *Marotta*

The Office Action rejected claims 9-11 and 39 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application Publication No. US 2002/0169667 (hereinafter *Marotta*). Claims 12-26 and 36-38 were rejected under 35 U.S.C. § 103(a) as being obvious over *Marotta* in view of U.S. Patent No. 6,321,209 to *Pasquali*. Applicant respectfully traverses these rejections and reconsideration is requested in view of the above amendments and based on the following remarks.

Cited Prior Art Fails to Disclose an Electronic Package Including a Submission Form

Independent claims 9, 12 and 22 recite that the electronic package includes both the content to be checked and a submission form. As described in paragraph [0007] of the present specification, a submission form available from a content checking service provider is completed by the entity creating the electronic content file on the first computer system. The submission form describes the content medium and indicates one or more recipients of the content medium. The content medium and the submission form are transmitted by the service provider to one or more recipients. As further described in paragraph [0028] of the present specification, the submission form and the content submitted for checking are combined into an electronic package by the clearance service provider, such that the electronic package consists of the “encoded files combined with the submission form.” When a recipient receives the electronic package, the data contained in the submission form is able to be viewed by the recipient in the form of a clearance memo. See paragraph [0031].

Applicant notes that the pending independent claims 9, 12 and 22 have previously recited the use of the submission form as part of the electronic package that is sent to a recipient, and the amendments made above to claims 9, 12 and 22 are merely made for purposes of clarification of this feature already presented and considered in the present application.

Through use of a submission form, the content submitter is able to submit additional requests and insert additional comments about the content in addition to the request for content clearance. For instance, when advertising content is aired on a certain medium, the pricing scheme for airing such content changes is based upon when the content is being aired (e.g., being aired or played at a certain time or during a certain show or event). The content submitter is able to request in the submission form to the recipient of the electronic package that the content being cleared also be selected to be aired at a certain time or in connection with other content. The content submitter can also submit additional documentation (e.g., market reports) to support their request for the content to be aired in the manner requested. In this manner, by including the

submission form as part of the electronic package that is delivered to the recipient, the submission form serves an important role in allowing multiple decisions regarding the content to be addressed through a single electronic package. As described above, the content submitter can not only submit content for clearance but can simultaneously ensure that other issues surrounding the content being submitted can also be addressed as part of the same electronic package and also at the election of the content submitter.

Marotta is cited in the Office Action as teaching the transmission of an electronic package containing content for clearance by a clearance organization. However, there is no teaching or suggestion that the electronic package transmitted by *Marotta* includes a submission form. Rather, *Marotta* merely discloses in cited paragraph [0012] that the clearance job that is submitted to an organization includes:

digital job content corresponding to one or more items selected from the group consisting of advertising substantiation documentation, advertising scripts, advertising storyboards, pre-production advertising media (i.e., video), post-production advertising media (i.e., video), and client job messages. The clearance job materials may include pre-production materials and/or post-production materials and need not include all materials needed for completion of the clearance job in a single order transaction.

There is disclosure that the clearance job of *Marotta* includes a submission form. The Office Action asserts that Fig. 4 of *Marotta* corresponds to the submission form of the pending claims. However, there is no teaching or suggestion that the form in Fig. 4 of *Marotta* is combined with the clearance job and sent together as an electronic package to a recipient.

As such, *Marotta* fails to teach or suggest all of the limitations of amended claims 9, 12 and 22. Namely, *Marotta* fails to teach or suggest that the electronic package that is sent from a sender to a recipient includes both the content to be checked and a submission form. Thus, it is respectfully submitted that independent claims 9, 12 and 22 and their respective dependent claims are allowable over the cited prior art of record. Reconsideration is requested.

Cited Prior Art Fails to Disclose the Claimed Spot Count Features

Claim 9 recites the features of:

- encoding a spot thereby creating an electronic spot file on a first computer system;
- assigning an identifier to the electronic spot file;
- associating the electronic spot file and identifier with a content medium;
- entering a spot count in a submission form corresponding to the content medium, the spot count corresponding to the number of electronic spot files associated with the content medium;
- entering one or more recipients of the content medium in the submission form;
- transmitting the content medium to the one or more recipients for checking;
- evaluating the electronic spot file on a second computer system; and
- transmitting feedback relating to the electronic spot file as a checking process.

In claim 12, the Applicant has pointed out that encoding a spot, thereby creating an electronic spot file on a first computer system, is done by the content sponsor.

In claim 22, the Applicant has claimed the method where:

- a content sponsor encodes and names a spot;
- a content creator creates the contents for the spot; and
- a content disseminator receives the created content and has clearance software for receiving the encoded spot and distributing the spot to a broadcaster clearance department.

In the various dependent claims features have been added separately being that:

- the content disseminator manages submissions from advertisers and authenticate review of the spots;
- the content disseminator manages submissions from advertisers and authenticate review of the spots; and
- the content sponsor is an entity separate and different from a content disseminator or clearance organization.

The invention as defined is clearly distinguishable over the cited art of Marotta, since Marotta is concerned with the Master Organization (Host system) 15(25) to act, if at all, to do any encoding. By contrast, in the invention as now claimed in claims 12 and 22 it is the content sponsor that effects the encoding. This methodology as claimed here is a fundamentally different approach to ensuring the checking of content before dissemination. In other words as claimed here it is the content sponsor that controls the content checking issues without relying solely on a remote host organization to control or perform this feature. Different other aspects distinguishing these two functions are further claimed in dependent claims 36 to 38. In the present invention as set out in the pending claims, it is the content sponsor that encodes a spot file, assigns an identifier to the electronic spot file, associates the electronic spot file and identifier with a content medium, enters a spot count in a submission form corresponding to the content medium, enters one or more recipients of the content medium in the submission form, and transmits the content medium and the submission form to the one or more recipients for checking. Marotta fails to teach or suggest a content sponsor performing these recited features.

As set out in claim 9 as amended there are the features of the spot count. the Examiner has already admitted that Marotta does not specifically teach a 'spot count'. As indicated above, Claim 9 as amended also has many other features associated with encoding a spot. It is not remotely part of Marotta that these features are disclosed or suggested or can even be implied. Accordingly, there is no way in which these features can be considered as being rendered obvious in the light of Marotta.

Dependant claims 39 and 40 further define the invention as set out in Claim 9.

The advantages and efficiencies associated with the content sponsor controlling the features of the spot count must not be overlooked. In operation of the present invention in the industry, the content sponsor may submit a spot (e.g., a movie trailer) containing certain video content for clearance where there may be a plurality of different versions of audio content associated with such spot that also must be cleared. For instance, a movie trailer may have different versions of audio content that will be played with the movie trailer based on the timing and location of where and when the movie trailer is shown. Under prior systems, a different spot

containing a combination of the video content and the respective audio content would have to be submitted and cleared for each different audio version, which would be extremely inefficient when the video portion of the spot was the same across each and every spot. The party clearing the content would have to review the same video content that had already been cleared in prior clearances. In the present claims where the content sponsor can control the spot count, the video content for the spot can be assigned one spot count and all of the different versions of the audio content can be assigned their own respective spot counts. In this manner, a content clearance provider need only clear the video portion of the content once and can then subsequently clear all of the different versions of the audio content separately based on their spot count. Applicant respectfully submits that these features associated with a "spot count" and through the content sponsors control of such "spot count" is not taught or suggested by or otherwise obvious in view of the Marotta reference. Reconsideration is respectfully requested.

CONCLUSION

In each case, the pending rejections should be reconsidered in view of the amendments and remarks herein. Applicant believes that this case is in good condition for allowance, and a Notice of Allowance is earnestly solicited. If a telephone or further personal conference would be helpful, the Examiner is invited to call the undersigned, who will cooperate in any appropriate manner to advance prosecution. The Commissioner is directed and authorized to charge all additional required fees, except for the Issue Fee and the Publication Fee, to **Deposit Account Number 50-2638**. Please also credit any overpayments to said Deposit Account. Please ensure that Attorney Docket Number 092807-011900 is referred to when charging any payments or credits for this case.

Respectfully submitted,



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